

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
112713-486 (ALT 5604D N4)

In Re Application: Connell, M., et al.

Serial No.
10/695,526

Filing Date
October 27, 2003

Examiner
Unknown

Group Art Unit
Unknown

METHOD AND APPARATUS FOR KIDNEY DIALYSIS



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Dated: February 12, 2004

Robert M. Barrett (Reg. No. 30,142)

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37 CFR 1.97(b)

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:
- ☐ the statement specified in 37 CFR 1.97(e);
- OR
- ☐ the fee set forth in 37 CFR 1.17(p).

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INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. 1.56, 37 C.F.R. 1.97, and 37 C.F.R. 1.98, Applicants request that a citation and examination of the documents identified herein and on the attached PTO-1449 form, copies of which are enclosed, be made during the course of examination of the above-identified application for United States patent.

Applicants note that U.S. Patents from which the above-identified application claims priority (i.e., U.S. Patent Nos. 5,744,027, 5,486,286, and 5,247,434) are presently the subject of a pending litigation styled *Fresenius Medical Care Holdings, Inc. and Fresenius USA, Inc. v. Baxter International Inc. and Baxter Healthcare Corp.*, Case No. C 03-1431 SBA, United States District Court, Northern District of California, Oakland Division. A copy of the Complaint as well as a copy of defendants' Answer are attached hereto as Exhibits A and B, respectively. In the course of that litigation, the documents listed herein were cited in Fresenius Medical Care Holdings, Inc.'s And Fresenius USA, Inc.'s Preliminary Invalidity Contentions Pursuant To patent L.R. 3-3 filed with the court, a copy of which is attached hereto as Exhibit C, concerning the patents enumerated above and other patents in suit (i.e., U.S. Patent Nos. 5,326,476 and 6,284,131).

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<u>Document No.</u>	<u>Date</u>	<u>Inventor</u>
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4,153,554	May 8, 1979	von der Heide et al.
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4,629,015	December 16, 1896	Fried et al.
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<u>Document No.</u>	<u>Date</u>	<u>Country</u>
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- Gentles, W., et al., "Programmable machine for dialyser reuse," Medical and Biological Engineering and Computing, vol. 18, November 1980, (pp. 765-771).
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Seratron™ Dialysis Control System, Cordis Dow Corp., UF Rate Accuracy Intradialytic Measurements Actual vs. Display ml/hr, (20 pgs.).

Foreign reference WO 86/01115 listed above is not in the English language. An English language abstract is included within the foreign reference.

Applicants look forward to early and favorable consideration of this matter.

Respectfully submitted,
BELL, BOYD & LLOYD LLC

BY 

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Dated: February 12, 2004

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	2 110 564 A	June 22, 1983	United Kingdom				
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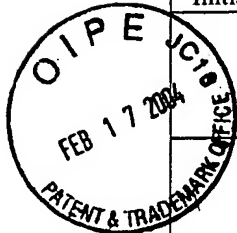
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